

REMARKS

Applicant appreciates that the Examiner has examined each of claims 16-28, notwithstanding preceding erroneous claim dependency. By the foregoing amendment, the claims have been amended to properly depend from a preceding claim in accordance with the Examiner's understanding as set forth in paragraph 2 of the preceding Office Action.

Reconsideration of the rejection of claims 16-19, 23, 26 and 27 under 35 U.S.C. §103(a) as being unpatentable over Vovan (U.S. Patent 6,120,279) in view of applicants' admitted prior art is respectfully requested in view of the following comments.

In setting forth the rejection in paragraph 6, beginning on page 4 of the preceding Office Action, the Examiner states "the mold inserted is integrally connected to a rod, with the rod insertable in the passage way (Figs. 3-6). The rod includes transverse slots (40 and 42)." Applicants respectfully disagree with the Examiner's statement of the teachings of the Vovan document as set forth in the preceding Office Action. It is undeniably the teachings of Vovan that Fig. 1 illustrates a mold assembly 10 which includes a mold insert 12 that lies in a cavity 14 of a mold base; See, column 2, lines 10-11 and Fig. 1. However, the "rod" is not mentioned at all in Vovan. By contrast, Vovan teaches "a pair of positioners 30, 32 served to lock down the mold insert within the mold base, and to release the insert and then forcefully push it up by a plurality of millimeters"; See, column 2, lines 20-23 and note that such pair of positioners 30, 32 are not connected to mold insert 12 at all but, rather, are pivotably mounted within a corresponding bore in the mold base 16; See, column 2, lines 34-36. Moreover, it is clear that the "rod," i.e., pair of positioners 30, 32, does not include transverse slots (40 and 42) as alleged in the Office Action. Rather, mold insert 12 has laterally opposite sides 34, 36, with each side having a recess 40 along a front portion and a largely downwardly-facing shoulder 42 along the rear portion; See, Vovan, column 2, lines 30-32. Thus, elements 40, 42 of Vovan do not at all relate to the rod but, rather, to recesses in the mold insert 12.

Now understand the teachings of Vovan, it can be seen that claim 16, which includes the following features "*said facial pocket defining an insert passageway extending through the facial pocket through the plate and base, said mold insert secured to an insert rod, said insert rod including at least one transverse slot extending thereacross, said insert rod insertable into said passageway to a prelock position, whereat said insert is partially inserted into said facial pocket;*

*said mold base defining a transverse passageway extending transversely to and communicating with said insert passageway; a locking member being insertable into said transverse passageway such that a portion of said locking member is positioned within the at least one slot of the insert rod, wherein the locking member is rotatable about its axis when it is inserted in the transverse passageway such that the insert rod may be urged to move between said prelock and fully inserted positions by rotation of said locking member about its axis”* is not taught by the Vovan reference.

It is respectfully submitted that Vovan’s design does not disclose or even suggest the invention as defined in claim 16 in view of the admitted prior art. Vovan does not include the mold insert secured to an insert rod (extending from the back of the mold insert through the mold plates) as instantly claimed. In fact, the shape of Vovan’s mold insert requires recesses 40 and 42 on the front and rear sides, respectively, which interact with a pair of independent positioners 30,32 acting directly on the mold insert 12 from opposite sides of the mold insert. As noted above, these positioners are in no way, for, form, or function secured to the mold insert and clearly are not “integral” therewith as alleged in the Office Action.

The invention of claim 16 includes an insert passageway extending from the facial pocket through the plate and base and a transverse passageway extending transversely to and communicating with the insert passageway. Consequently, the invention of claim 16 has an insert rod (insertable into the insert passageway, and to which the mold insert is secured) and a locking member (inserted in transverse passageway), with a portion of the locking member being positioned within the slot of the insert rod, such that when the locking member is rotated about its axis, the insert rod is moved between a prelock and fully inserted position (of the mold insert).

The invention of claim 16 is clearly inventive over Vovan, as the connection between transverse rod and insert rod (complete with mold insert) allows for one simple rotation of the transverse rod to cause the mold insert to move between prelock and fully inserted positions. Vovan’s design suffers from requiring two substantially parallel transverse rods to be activated simultaneously (synchronizing means unspecified) to cause the mold insert to move in or out of the facial pocket. Furthermore, the shape of Vovan’s mold insert (substantially rectangular) indicates that the slightest asymmetry or un-coordination between motions of transverse rods could cause the mold insert to become wedged in the facial pocket.

In view of the comments above, there is no suggestion or motivation to come to the invention of claim 16 based on Vovan and the admitted prior art and, thus, the objection to claim 16 and the objections to the claims which depend therefrom, should be withdrawn.

It is further respectfully submitted that the claims of the instant application define the invention in terms of structure and not function. Any further limitations on the invention as claimed would further limit the scope of protection desired by the applicant.

While applicant notes the Examiner's conclusionary statement that the claims of the instant application define a manner in which the claim mold insert device is to be operated, applicants respectfully disagree. Claim 16 as presently defined defines the invention in terms of structure, i.e., "an injection mold apparatus comprising a mold cavity plate and mold core plate, each secured to mold bases" and "each having opposing faces, said faces meeting to form a mold cavity between the two faces, said cavity defining the shape of a molded article." The claim continues "at least one of said faces defining a facial pocket (for insertion of a mold insert)" and continues "said facial pocket defining an insert passageway extending from the facial pocket through to the plate and base, said mold insert secured to insert rod . . ." It is, thus, clear that the claim clearly defines the invention in terms of structure and not an intended use of the claimed apparatus. As the Examiner has neither found a teaching nor a suggestion of the prior art for the structure as claimed in instant claim 16 (and by implication of each dependent claim which depends directly or indirectly from independent claim 16), applicant has patentably defined his invention in terms of structure over the cited prior art. Accordingly, it is clear that independent claim 16 is patent over the combination of Vovan in view of the "admitted prior art."

Reconsideration of the previous rejection of dependent claims 20, 21, 24 and 25 is respectfully requested. Although the tertiary references have been cited in combination with Vovan in view of the admitted prior art, none of such tertiary references are alleged to teach the clear deficiencies inherent to Vovan in view of the admitted prior art. Accordingly, all claims dependent on claim 16 are also patentable over the cited references.

Applicants appreciate the indication of allowable subject matter in dependent claims 22 and 28 which have been rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

As noted hereinabove, the Examiner's understanding of the limitations of the preceding claims (prior to this amendment) have been expressly incorporated by reference in the rewriting of dependent claims 22 and 28 into independent form, where such a format has been taken into consideration. Accordingly, claims 22 and 28 should now be in condition for immediate allowance and reconsideration of all the previous rejections is respectfully requested in view of the foregoing amendments and the preceding comments.

Respectfully submitted,



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